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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,922

03/02/2004

Richard Martin Kopesec

1432

53687

7590

03/06/2006

GERARD E. MOY
1608 DANUBE LANE
PLANO, TX 75075

EXAMINER

LOCKETT, KIMBERLY R

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No. 10/790,922	Applicant(s) KOPESEC, RICHARD MARTIN	
	Examiner Kim R. Lockett	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-13 is/are rejected.
- 7) ☐ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7/04 and 9/27/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The restriction requirement has been withdrawn. An office action based on the merits of claims 1-18 follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Streibl (5,756,914) in view of Willard (US 2005/0039592).

Streibl discloses the use of a simulated stringed musical instrument practice device comprising an elongated semi circular neck member (10) defining proximal and distal ends, said longitudinally tapered neck member having a generally flat shaped upper surface which extends longitudinally from said proximal end to said distal end thereby defining lateral edges thereof which are generally perpendicular to said proximal and said distal ends, said elongated neck member also having a lower surface which extends substantially from said proximal end to said distal end (see figure 1), said lower surface having lateral edges which are attached to the lateral edges of said upper surface, wherein said lower surface is generally arcuate in shape in order to simulate the shape of

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a conventional stringed instrument, a plurality of longitudinally spaced (see figure 2), transversely extending ridges which are integrally attached to said flat upper surface, said transversely extending ridges (14) are spaced progressively longer distances apart from said proximal end to said distal end. Streibl also discloses an upper surface wherein the lateral extent has a convex shape (see figure 3).

Streibl (5,756,914) does not disclose the use of transversely extending ridges simulates the frets of a conventional stringed instrument.

Willard (US 2005/0039592) discloses the use of a simulated plastic stringed musical instrument practice device with transversely extending integral ridges simulates the frets of a conventional stringed instrument (see paragraph 16) and a plurality of longitudinal ridges(50) which extend from said proximal end to said distal end over said flat upper surface, said longitudinal ridges are integrally attached to said flat upper surface, whereby said longitudinal ridges simulates the strings of said conventional stringed instrument (see figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Streibl to include the ridges as disclosed Willard in order to provide a device that trains the fingers to quickly and accurately move over the strings.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baumgardner discloses the use of a computer keyboard support device.

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4. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


5. Claim 14-18 is allowed.

6. Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose **telephone number is 800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose **telephone number is (703) 308-7615, after 2/3/04 my new number will be (571) 272-2067**. The examiner can normally be reached on Monday through Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext. 33.


KIMBERLY LOCKETT
PRIMARY EXAMINER